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Toshiba Corporation and
Toshiba Samsung Storage Technology Corporation

[Additional Parties and Counsel Listed on Signature Page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

**IN RE OPTICAL DISK DRIVE
ANTITRUST LITIGATION**

Case No. M:10-cv-02143-VRW

MDL No. 2143

**DEFENDANTS' NOTICE OF JOINDER
REGARDING MOTION BY THE UNITED
STATES FOR A LIMITED STAY OF
DISCOVERY**

Hearing:

Date: June 24, 2010

Time: 10:00 a.m.

Place: Courtroom 6, 17th Floor

The Honorable Vaughn R. Walker

This Document Relates To:
ALL ACTIONS

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Defendants Hitachi LG Data Storage, Inc., Koninklijke Philips Electronics N.V., Philips Lite-On Digital Systems, U.S.A., LG Electronics, Inc., Samsung Electronics Co., Ltd., Sony Corporation, Sony Optiarc, Inc., Sony Optiarc America, Inc., TEAC America, Inc., Toshiba Corporation, and Toshiba Samsung Storage Technology Corporation (collectively, “Defendants”) support the Motion By The United States For A Limited Stay Of Discovery filed on May 20, 2010 (the “Motion”) to the extent it calls for a stay.¹ However, the scope of discovery that the Government offers as potentially subject to “immediate production” is quite broad. Thus, the Defendants believe that any issues regarding discovery not encompassed in the Government’s stay proposal should be addressed in the first instance by the parties under the Federal Rules of Civil Procedure, including in the Rule 26 process that the Court has already scheduled, with the opportunity for appropriate objections and further requests for relief from any discovery sought.

Additionally, Defendants expect that the direct and indirect plaintiffs (“Plaintiffs”) will file Oppositions to the Motion. It is possible that Plaintiffs will advance arguments in their Oppositions that have a direct impact on the Defendants, and although the Defendants cannot anticipate at this time whether they will want to address any such arguments, Defendants reserve the right to present their position to the Court should the need arise.

Finally, Defendants reserve the right to object or otherwise oppose the Motion should the Government modify the nature or scope of the relief it seeks: (1) as a result of negotiations with counsel for the Plaintiffs; (2) in its Reply Memorandum; or (3) during oral argument at the hearing on the Motion.

¹ Although Defendants agree with the nature and scope of relief presently sought by the Government in its Motion, Defendants do not adopt the arguments made therein. For example, Defendants do not agree with the Government’s statement that a guilty plea or conviction in a related criminal proceeding “would eliminate the need for Plaintiffs to prove civil liability and would allow them to focus solely on proving damages.” Irrespective of any guilty plea, among other things, Plaintiffs would be required to prove impact and causation in order to establish civil liability for a violation of the antitrust laws, as well as liability for all Defendants who have not pleaded guilty.

DATED: June 3, 2010

LATHAM & WATKINS LLP

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Casandra L. Thomson

By /s/ Belinda S Lee

Belinda S Lee

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Attorneys for Defendant Sony Corporation,
Sony Optiarc, Inc. and Sony Optiarc America,
Inc.

ATTESTATION OF FILING

Pursuant to General Order No. 45, Section X(B) regarding signatures, I, Belinda S Lee, hereby attest that concurrence in the filing of this Reply has been obtained from Defendants Hitachi LG Data Storage, Inc., Koninklijke Philips Electronics N.V., Philips Lite-On Digital Systems, U.S.A., LG Electronics, Inc., Samsung Electronics Co., Ltd., Sony Corporation, Sony Optiarc, Inc., Sony Optiarc America, Inc., and TEAC America, Inc. that have provided conformed signatures above.

By /s/ Belinda S Lee

Belinda S Lee

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